

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Killian et al Art Unit: 2177
Serial No.: 09/713,432 Examiner: Luke S. Wassum
Filed: November 15, 2000 Docket: TI-26605
For: APPARATUS AND METHOD TO FACILITATE THE CUSTOMIZATION OF
TELEVISION CONTENT WITH SUPPLEMENTAL DATA

Reply Brief under 37 C.F.R. §41.41(a) (1)

Commissioner for Patents
P.O. Box 1450
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Dear Sir:

This is Applicant's Reply Brief filed pursuant to 37 C.F.R. §41.41(a) (1) in response to new points of argument set forth in the EXAMINER'S ANSWER of July 18, 2006.

The EXAMINER'S ANSWER cites column 16, lines 7 to 16 of Banker et al as teaching that the user may independently select a video and a text service from the multi-service display of a composite video signal. In view of this newly cited portion of Banker et al, the Applicants withdraw the arguments of page 6, line 8 to page 9, line 15 of the APPEAL BRIEF filed June 7, 2006.

The EXAMINER'S ANSWER states at page 15, lines 5 to 16:

"Regarding argument (2) [that the combination of Sezan et al. and Banker et al. would select both the television signal and the corresponding supplemental data based on the user profile, in contrast to the claimed viewer selection of the

television signal and automatic selection of supplemental data according to the selected television signal and viewer profile], the examiner respectfully disagrees.

"As discussed above, the Banker et al. reference teaches a system wherein the subscriber has the capability to select any combination of video and supplemental data (such as text data) for display on a television. The Sezan et al. reference teaches generally a system for selecting content for display to a viewer based upon the viewer's profile."

The EXAMINER'S ANSWER cites column 8, lines 30 to 55 of Sezan et al. and states at page 13, lines 16 to 19:

"The disclosure of 'bringing information together (e.g., textual information) to author particular program views' clearly reads on the claimed system wherein based upon a user's preference and the specific programming selected, supplemental data (such as textual data) is selected and displayed."

Banker et al. teaches independent user selection of video and supplemental data and Sezan et al teaches automatic selection of content for display including video and supplemental data based the viewer's profile. Claims 1 and 6 recite two features unobvious over the combination of Banker et al and Sezan et al.

Firstly, claims 1 and 6 each recite "plural supplemental data corresponding to the one television signal selected by the viewer operable to target a particular viewer relative to other viewers." This recitation limits the universe of supplemental data that may be selected by the apparatus of claim 1 or the method of claim 6 to those supplemental data that corresponds to "the one television signal selected by the viewer." The combination of Banker et al and Sezan et al fail to teach that supplemental data corresponds to a particular television signal. The EXAMINER'S ANSWER states at page 15, lines 2 to 4 that Banker et al teaches "the end user does indeed have the capability to select any combination of video and/or text services that are available in the composite video

signal for display on his/her television." This does not limit the selection of supplemental data to that corresponding to the television signal selected by the viewer as required by this limitation of claims 1 and 6. The EXAMINER'S ANSWER cites Sezan at column 3, lines 21 to 25 and column 8, lines 30 to 55 as making obvious this limitation. Sezan et al states at column 3, lines 21 to 25:

"In other words, the audiovisual information presented to a particular user should be in a format and include content suited to their particular viewing preferences. In addition, the format should be dependent on the content of the particular audiovisual information"

This portion of Sezan et al teaches the audio visual information has format and content. Sezan et al teaches the content is selected based upon the "particular viewing preferences." This further teaches the format is based both upon the "particular viewing preferences" and upon the content. Other portions of Sezan et al particularly column 7, lines 41 to 45 and column 10, lines 38 to 65 make clear that this "format" is the manner of presentation of the content. This format selection of Sezan et al is not the recited supplemental data and is thus not relevant to this invention. Sezan et al states at column 8, lines 30 to 55 (newly cited in the EXAMINER'S ANSWER):

"The selection of a particular program analysis technique depends on the amount of readily available data and the user preferences. For example, if a user prefers to watch a 5 minute video highlight of a particular program, such as a basketball game, the analysis module 42 may invoke a knowledge based system 90 (FIG. 3) to determine the highlights that form the best 5 minute summary. The knowledge based system 90 may invoke a commercial filter 92 to remove commercials and a slow motion detector 54 to assist in creating the video summary. The analysis module 42 may also invoke other modules to bring information together (e.g., textual information) to author

particular program views. For example, if the program 38 is a home video where there is no further information available then the analysis module 42 may create a key-frame summary by identifying key-frames of a multi-level summary and passing the information to be used to generate the program views, and in particular a key frame view, to the description scheme. Referring also to FIG. 3, the analysis module 42 may also include other sub-modules, such as for example, a demux/decoder 60, a data and service content analyzer 62, a text processing and text summary generator 64, a close caption analyzer 66, a title frame generator 68, an analysis manager 70, an audiovisual analysis and feature extractor 72, an event detector 74, a key-frame summarizer 76, and a highlight summarizer 78."

This teaches that analysis module 42 brings information together including "textual information." This analysis module 42 makes its selection based upon "the amount of readily available data and the user preferences." This fails to teach limiting the selection of supplemental data to that corresponding to the television signal selected by the viewer as required by this limitation of claims 1 and 6. Accordingly, claims 1 and 6 are allowable over the combination of Banker et al and Sezan et al.

Secondly, claim 1 recites a "filter module operable...to select a preferred display component according to the one television signal selected by the viewer via said input device, the viewer profile and the supplemental data." Similarly, method claim 6 recites "selecting a preferred display component in accordance with the one television signal selected by the viewer, the viewer profile and supplemental data." These claims require the television signal be selected by the user and the supplemental data be selected according to the viewer profile and the user selected television signal. Banker et al teaches only user selection of the television signal and the supplemental data. Sezan et al states at column 5, lines 50 to 52:

"Frequently, the user does not desire to learn to program the device nor desire to explicitly program the device."

Thus Sezan et al teaches automated selection of audiovisual media by audiovisual system 16 as a substitute for user selection. The above quoted portion of Sezan et al at column 8, lines 30 to 32 states "The selection of a particular program analysis technique depends on the amount of readily available data and the user preferences." This fails to teach user profile selection by the program analysis module of supplemental data based upon both the viewer profile and the independent user selection of the "one television signal selected by the viewer" A person skilled in the art would employ the automated selection of Sezan et al as a substitute for the user independent selection of television signals and supplemental data of Banker et al. This combination would not result in the selection of the television signal by user input and selection of the supplemental data according to the viewer profile and the selected television signal as recited in claims 1 and 6. Accordingly, claims 1 and 6 are allowable over the combination of Banker et al and Sezan et al.

In view of the foregoing arguments, the Applicant respectfully submits that claims are allowable for the reasons set forth above. Accordingly, the Applicant respectfully requests reversal of the final rejection and advance to issue.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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